



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1173/5/7/10

- 1) DEUTSCHE BAHN AG
- 2) DB NETZ AG
- 3) DB ENERGIE GMBH
- 4) DB REGIO AG
- 5) S-BAHN BERLIN GMBH
- 6) S-BAHN HAMBURG GMBH
- 7) DB REGIO NRW GMBH
- 8) DB KOMMUNIKATIONSTECHNIK GMBH
- 9) DB SCHENKER RAIL DEUTSCHLAND AG
- 10) DB BAHNBAU GRUPPE GMBH
- 11) DB FAHRZEUGINSTANDHALTUNG GMBH
- 12) DB FERNVERKEHR AG
- 13) DB SCHENKER RAIL (UK) LTD
- 14) LOADHAUL LIMITED
- 15) MAINLINE FREIGHT LIMITED
- 16) RAIL EXPRESS SYSTEMS LIMITED
- 17) ENGLISH WELSH & SCOTTISH RAILWAY INTERNATIONAL LIMITED
- 18) EMEF - EMPRESA DE MANUTENÇÃO DE EQUIPAMENTO FERROVIÁRIO SA
- 19) CP - COMBOIOS DE PORTUGAL E.P.E.
- 20) METRO DE MADRID, S.A.
- 21) ANGEL TRAINS LIMITED
- 22) NV NEDERLANDSE SPOORWEGEN
- 23) NEDTRAIN B.V.
- 24) NEDTRAIN EMATECH B.V.
- 25) NS REIZIGERS B.V.
- 26) DB SCHENKER RAIL NEDERLAND N.V.
- 27) TRENITALIA, S.P.A.
- 28) RETE FERROVIARIA ITALIANA, S.P.A.
- 29) NORGES STATSBANER AS
- 30) EUROMAINT RAIL AB
- 31) GÖTEBORGS SPÅRVÄGAR AB

Claimants

-v-

- 1) MORGAN CRUCIBLE COMPANY PLC
- 2) SCHUNK GMBH
- 3) SCHUNK KOHLENSTOFFTECHNIK GMBH
- 4) SGL CARBON AG
- 5) MERSEN SA (FORMERLY LE CARBONE-LORRAINE SA)
- 6) HOFFMAN & CO. ELEKTROKOHLE AG

Defendants

ORDER

UPON the Claimants and the Fourth Defendant agreeing to the terms of this Order

IT IS ORDERED THAT:

1. The Fourth Defendant shall not be required to file and serve a defence in the proceedings until such time as the Tribunal so orders and, in any event, not before determination by the Tribunal of the First Defendant's application for rejection of the claim pursuant to Rule 40 of the Competition Appeal Tribunal Rules 2003.
2. There be liberty to apply.

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 6 May 2011
Drawn: 6 May 2011